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PATENT & TRADEMARK OFFICE

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PATENT
Customer No. 22,852
Attorney Docket No. 08350.0763-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
James W. McCaherty	)	Group Art Unit: 3629
	)	
Application No.: 10/054,952	)	Examiner: Michael J. Fisher
	)	
Filed: January 25, 2002	)	
	)	
For: METHOD AND SYSTEM FOR ANALYZING PAYLOAD INFORMATION	)	Confirmation No.: 6974
	)	

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION UNDER 37 C.F.R. § 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT BASED ON EVIDENCE THAT A REPLY WAS TIMELY FILED

Applicant petitions under 37 C.F.R. § 1.181(a) for withdrawal of the holding of the abandonment of the above-referenced application on the basis that a reply was timely filed. *See* M.P.E.P. § 711.03(c)(I)(B).

Applicant received from the U.S. Patent and Trademark Office ("PTO") a Notice of Abandonment ("Notice"), mailed October 4, 2007, for the above-referenced application. The Notice indicates that Applicant failed to file a timely reply to the Final Office Action mailed February 27, 2007. This is incorrect. The Notice was issued in error.

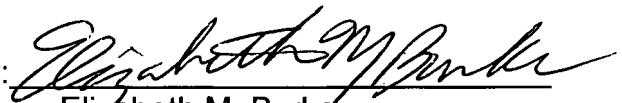
In response to the Final Office Action mailed on February 27, 2007, Applicant filed, with the PTO, a Pre-Appeal Brief Request for Review Form PTO/SB/33, a Notice of Appeal, a Pre-Appeal Brief Request for Review, and a check in the amount of $500.00 to cover the Appeal Fee on May 29, 2007. Applicant encloses herewith copies of these items, as-filed, together with a copy of the properly itemized postcard, date-stamped by the PTO on May 29, 2007 in acknowledgement of receipt of these items.

Applicant respectfully requests that the Notice be withdrawn. Because the Notice was issued in error, Applicant is not enclosing a petition fee. However, if the Office determines that any fee is required for this matter, please charge the required fee to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 4, 2007

By: 
Elizabeth M. Burke
Reg. No. 38,758

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Application of: James W. McCaherty	Confirmation No.: 6974
Application No.: 10/054,952	Group Art Unit: 3629
Filed: January 25, 2002	Examiner: Michael J. Fisher

For: METHOD AND SYSTEM FOR ANALYZING PAYLOAD INFORMATION

1. Pre-Appeal Brief Request for Review Form (1 page);
2. Notice of Appeal (2 pages);
3. Pre-Appeal Brief Request for Review (5 pages); and
4. Check in the Amount of $500.00 (Appeal Fee).

Dated: May 29, 2007

Docket No.: 08350.0763-00000



Due Date: May 29, 2007
(May 27 being a Sunday and May 28 being a federal holiday)

EMB/*ALC/doh*

Please Return Postcard to D. Beckford-Harris @ Mail Drop 911

Finnegan Henderson Farab Garrett & Dunner, LLP

PTO Account

VENDOR NUMBER: 10339
VENDOR NAME: Commissioner of Patents & Trademarks

CHECK NUMBER: 130169
CHECK DATE: 05/29/07

Voucher #	Matter #	Inv. Date	Description	Amount
1002891	08350.076300000	05/29/07		500.00

Memo: D. Beckford-Harris

CHECK AMOUNT 500.00